

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ROBERT L. TATUM,

Plaintiff,

-vs-

Case No. 15-CV-1395

ERIC FOSSUM,

Defendant.

DECISION AND ORDER

The petitioner, Robert L. Tatum, filed a petition for a writ of mandamus. On February 8, 2016, the Court dismissed this action for failure to state a claim. Judgment was entered on February 11, 2016. The petitioner has filed a motion to alter or amend judgment pursuant to Federal Rule of Civil Procedure 59(e).

“Rule 59(e) allows a court to alter or amend a judgment only if the petitioner can demonstrate a manifest error of law or present newly discovered evidence.” *Obrieht v. Raemisch*, 517 F.3d 489, 494 (7th Cir. 2008) (citing *Sigsworth v. City of Aurora*, 487 F.3d 506, 511-12 (7th Cir. 2007)). “Motions under Rule 59(e) cannot be used to present evidence that could have been presented before judgment was entered.” *Id.* Whether to grant a motion to amend judgment “is entrusted to the sound judgment of the district court.” *In re Prince*, 85 F.3d 314, 324 (7th Cir. 1996).

In support of his motion for reconsideration, the petitioner contends that the Court “substantially disregarded Tatum’s position and applicable law” by “denying relief without relevant analysis.” Docket No. 15 at 1. In his mandamus petition, the petitioner requested that the Court compel the respondent, United States Supreme Court Deputy Clerk Erik Fossum to immediately file his petition for writ of mandamus in the United States Supreme Court. Contrary to the petitioner’s assertions, the Court set forth Tatum’s position and determined that he did not make the necessary showing to invoke mandamus jurisdiction. Docket No. 13 at 3-5.

The petitioner has not shown that the Court’s order of February 18, 2016, contains a manifest error of law or fact.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT the plaintiff’s motion to alter or amend judgment (ECF No. 15) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 16th day of March, 2016.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge